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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

COLLEGENET, INC.,

Plaintiff,

v.

APPLYYOURSELF, INC., a Delaware
corporation,

Defendant.

No. 02-cv-484-HU (LEAD CASE)

02-cv-1359-HU

**MOTION TO VACATE
INTERLOCUTORY ORDER
GRANTING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT OF INVALIDITY
BASED ON COLLATERAL
ESTOPPEL AND TO ENTER
CONSENT JUDGMENT IN ITS
CURRENT FORM**

By Plaintiff CollegeNET, Inc.
Pursuant to Fed. R. Civ. P. 54(b)

ORAL ARGUMENT REQUESTED

1- COLLEGENET'S MOTION TO VACATE AND TO
ENTER CONSENT JUDGMENT

43081-0004/LEGAL16085289.1

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Plaintiff CollegeNET, Inc. moves the Court under Federal Rule of Civil Procedure 54(b) to vacate the Order granting Defendant's Motion for Summary Judgment of Invalidity Based on Collateral Estoppel [Dkt. No. 697] and to enter the Consent Judgment submitted to this Court on April 21, 2009 [Dkt. No. 720] in its current form. This motion is supported by a separately filed Memorandum and the Declaration of Scott D. Eads with Exhibits A-F thereto.

Pursuant to Local Rule 7.1, the Parties have conferred and Defendant ApplyYourself takes no position on this motion, but reserves the right to respond to it.

DATED: May 11, 2009.

Respectfully submitted,

PERKINS COIE LLP

/s/ Scott D. Eads

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